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July 1, 2019

Honorable Alison J. Nathan
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Minh Quang Pham*
12 Cr. 423 (AJN)

Dear Judge Nathan:

I write to request a stay of Ming Quang Pham's § 2255 petition pending the Second Circuit's resolution of *United States v. Barrett*, 903 F.3d 166 (2d Cir. 2018).

The Supreme Court's decision in *United States v. Davis*, 588 U.S. ___, 2019 WL 2570623 (June 24, 2019) abrogates *Barrett*. On June 28, 2019, the Supreme Court granted the pending petition for a writ of certiorari in *Barrett v. United States*, 18-6985, vacated the judgment in *Barrett*, and remanded the case to the Second Circuit for further consideration in light of *Davis*. See Miscellaneous Order, Order List: 580 U.S. (S.Ct. June 28, 2019).

The government does not oppose the request for a stay but I have yet to discuss this request with Mr. Pham. My request for a legal call with him is pending.

Should the Court be disinclined to grant a stay, the parties propose the following schedule:

- Defense submission by July 31st.
- Government response by August 14th.
- Defense reply, if any, by August 21st.

Your consideration is greatly appreciated.

Very truly yours,

Bobbi C. Sternheim
BOBBI C. STERNHEIM

cc: AUSA Andrew Beaty
AUSA Anna Skotko